

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

v.

ESTATE OF RAFAEL ORLANDO
GONZALEZ, et al.

Defendants

Civil No. 97-1016 (SEC)

Foreclosure of Mortgage

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

Plaintiff in the above-captioned action has moved for an order pursuant to Fed. R. Civ. P. 4(e) and Rule 4.5 of the Rules of Civil Procedure for the Commonwealth of Puerto Rico, providing for service by publication upon defendants, the estate of Rafael Orlando González Franco a/k/a Rafael González Franco, composed by: Militza E. González Hernández, Orlando R. González Hernández, both minors, and Carmen R. Hernández Lizardi, as co-signer and widow of the deceased borrower Rafael Orlando González Franco a/k/a Rafael González Franco, with the right to usufruct in the estate; and John Tristare a/k/a John Tristase, as party with possible interest, on the grounds that defendants are not in Puerto Rico and/or cannot be located although attempts have been made to do so and/or they are hiding to avoid service (**Docket # 16**). Upon examination of plaintiff's motion and accompanying affidavit, and it appearing that plaintiff has stated a claim justifying the granting of some relief against defendants, it is hereby **ORDERED** that:

1. Defendants, the estate of Rafael Orlando González Franco a/k/a Rafael González Franco, composed by: Militza E. González Hernández, Orlando R. González Hernández, both minors, and Carmen R. Hernández Lizardi, as co-signer and widow of the deceased borrower Rafael Orlando

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González Franco a/k/a Rafael González Franco, with the right to usufruct in the estate; and John Tristare a/k/a John Tristase, as party with possible interest be **served by publication** to be made once in a daily newspaper of general circulation in Puerto Rico.

2. Within the next **ten (10) days** following the publication of the notice, a copy of the summons and of the complaint filed shall be sent to said defendants by certified mail, return receipt requested, or by any other similar means of delivery, return receipt requested, provided that the entity effecting such delivery is not related to plaintiff and does not have any interest in this action, to defendants last known address.


3. This publication shall fully comply with the requirements set forth in Rule 4.5(b) of the Rules of Civil Procedure for the Commonwealth of Puerto Rico.

4. If the complaint is amended at any time before the appearance of defendants, plaintiff shall also serve the amended complaint upon them.

It is hereby further **ORDERED** that plaintiff shall inform this Court **within twenty (20) days** of receipt of this order about their compliance with this order.

SO ORDERED.

In San Juan, Puerto Rico, this 29th day of October, 1999.


SALVADOR E. CASELLAS
United States District Judge